

**CITY OF DELTONA, FLORIDA
CITY COMMISSION WORKSHOP MEETING
MONDAY, FEBRUARY 9, 2015**

A Workshop Meeting of the Deltona City Commission was held on Monday, February 9, 2015 in the City of Deltona's 2nd Floor Conference Room at 2345 Providence Blvd., Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Mayor John Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Brian Soukup	Present
Acting City Manager	Dale Baker	Present
City Attorney	Becky Vose	Present

Also Present: VCSO Captain Dave Brannon and Economic Development Manager Jerry Mayes.

3. PLEDGE TO THE FLAG:

The City Commission and staff said the pledge to the flag.

Mayor Masiarczyk opened the meeting for public comment.

Jim Pescha, 1120 North Old Mill Drive, Deltona, spoke about healthy eggs helping the poor, currently the ordinance disqualifies over 99 percent of the residents from owning them, residents in favor of chickens offering to help develop a practical and reasonable code, the City working against the residents in favor of owning chickens, adding restrictions, backyard chickens not being dangerous animals, and his concerns about Sec. 14-280 (b), (d), (e), (h) and (k) of the proposed ordinance. He stated that News Channel 13 completed an online poll where they asked "Would you be okay with a next-door neighbor keeping chickens in their backyard?" and the results were that 54 percent of people voted yes and 40 percent of people voted no.

Jessica Austin, 1661 Bamboo Court, Deltona, spoke about cities not needing to micromanage backyard hens, needing to follow the City's nuisance ordinances, if chickens created excess odor or noise there is already an ordinance for that, what a person does within reason in their own backyard should be their business, , and that Arizona Senator, David Farnsworth put it best when he stated "governments' job is to support liberty and not to control lifestyle." That the permit fees and coop inspections will deter chicken owners, that neighbors should not be obligated to ask each other what animals they can keep, the issue being made complicated, and that she is asking for the restoration of something that used to be a staple of American life.

Nancy Sutton, Sutton Farms, 3255 Riverhead Drive, Deltona, spoke about being a former teacher, people visiting her farm which contains chickens among other livestock, her reputation as the

“head cluck” of the chicken enthusiast group which has reached over 500 people, people being scared of being fined or ticketed, Debary’s chicken ordinance that no one signed up for because of the \$50 permit fee, needing to construct a fence, getting an inspection, having an approved coop, the program possibly only being for one (1) year, people who have chickens love them, chickens being the only animal that you can eat before and after they are born, not wanting genetically modified organisms (GMO’s) in food, that chicken tractors do not need a permit because you can move them around the yard on wheels, and that chickens only make noise when they sing the egg song.

Wayne Elam, 2449 Derby Drive, Deltona, thanked the commission for the opportunity to work with the City to create an ordinance that would work for the majority of the residents of Deltona, making the ordinance more applicable for the City as a whole, the new proposed minimum lot area of one (1) acre, only 35 properties being zoned R-1 that are over one (1) acre, the number of homeowners who would be allowed chickens would not represent Deltona’s residents, allowing chickens on all lot sizes as long as the setback limits are met and he suggested the following revisions to the proposed ordinance: Sec. 14-280 (n) the chicken should be on the owner’s property and be under the owner’s supervision; (o) is a duplication; to remove Sec. 14-281 (3) because it is a one (1) year trial and changed to a complaint basis; and Sec. 14-281 (4) and (5) should be changed because currently the Building and Enforcement Director and the Acting City Manager are the same person.

Michael Kiepert, 3254 Wild Pepper Court, Deltona, asked the Commission to not do anything with the chickens and he stated that he never thought he would be dealing with chickens next door, the issue should be put on the ballot, the Commission making exceptions for a minority which would not be for the greater good of the City and will not benefit the majority.

Anthony Cassata, 1981 Sweetwater Boulevard, Deltona, stated that he works with veterans in the City, he teaches about permaculture and a small investment in terms of feed can give you a great source of fertilizer and a great source of nutrition, that the noise concern can be regulated by not having a rooster, that chickens do a great job of eating bugs and mosquitoes, and that chickens are active during the day.

Michael Putkowski, 2736 Courtland Boulevard, Deltona, stated there are a couple of chicken coops where he works because the County takes blood samples from them, there being virtually zero noise and no smell if the coop is kept up properly, the issue being multi-faceted which can help several people and that it is a sustainable resource that will feed people.

Larry Kent, 235 River Village Drive, DeBary, spoke about the lobbyist discussing road signs for I-4 stated closures and that the issue is bigger than signs, the City looking at money for widening roads, bereavement flowers for deceased employee’s family members and there being plenty of local florists that would like the business, and that the event for the Deltona Business Association first function was cancelled until further notice.

Susan McQuillan, 527 Leland Drive, Deltona, spoke about sending e-mails to everyone about her water bill which was \$1,749 because she had a water leak, that in June her water softener had exploded, having a \$200 water bill which she has asked to have revoked and to have the adjustment applied to the \$1,749 water bill. She stated that she has not received a response and

that she is asking for help.

Acting City Manager stated he spoke with staff regarding issues with water bills and staff would like to create a committee to review appeal cases that would consist of staff and an elected official, with rotating members and the Commission concurred.

Commissioner Nabicht asked if the Commission could direct the Acting City Manager the authority to make the requested adjustment for Ms. McQuillan and Mrs. Vose replied it is possible to make an adjustment, although not exactly as requested, but it would have the same result.

After discussion, the Commission concurred to give the Acting City Manager and City Attorney the authority to come up with a solution for Ms. McQuillan.

The City Attorney stated she will create a resolution to establishing the committee to review appeal cases and the Commission discussed who will make up the committee.

Terri Cortes, 3489 Coachman Drive, Deltona, spoke about living in Deltona since 2009 on .4 acres of land, her sister being diagnosed with breast cancer and her journey, a possible link between breast cancer and diet, an article she read “You probably know your doctor’s name but do you know your farmer’s name?”, her New Year’s resolution to seek out farmers in her community, knowing where your food comes from, eating clean and nutritious foods like fresh eggs, teaching her daughter work ethic and building character, the ordinance severely restricting many residents from having chickens, not allowing chickens to live in unkempt conditions, not eating the chickens and only using them to provide fresh eggs, and she asked the Commission to pass an ordinance that reflects the majority of property owners in Deltona and to give residents an equal opportunity to choose what lifestyle works for them.

4. BUSINESS:

A. General Discussion re: City Commission Operating Guidelines & Meeting Rules and Procedures.

After discussion by the Commission of each section of the Operating Guidelines & Meeting Rules and Procedures, the Commission concurred to make the following changes:

SECTION ONE. OPERATING GUIDELINES FOR EFFECTIVE COMMISSION OPERATIONS.

Commission Policy Role:

- 1. The City Commission is responsible for setting the policies.**

Communication:

- 5. The City Commission may pass along information or request information directly from staff, after informing the City Manager, without directing staff.**

6. The City Commission will annually review progress on its collective leadership, goals, priorities and operating guidelines to insure success/relevance.

SECTION TWO. MEETINGS.

D. Public Hearings.

(4) Manner of Addressing the Commission.

b. Each person addressing the City Commission has the right to speak for a timed period of four minutes with a timer in clear view of the speaker; they shall step to the microphone; give his or her name and address clearly for the record; and shall be limited to four (4) minutes to address the City Commission, unless such time is expanded or contracted by the Mayor, or by the majority of the Commission.

g. Persons addressing the Commission may present oral or written communication in regard to matters under consideration with the permission of the Mayor, however, any written communications shall be copied to each member of the Commission, the Mayor, the City Attorney, the City Manager and the City Clerk.

SECTION THREE. AGENDA.

L. Any citizen wishing to make a presentation to the City Commission must submit their request to the Office of the City Clerk no later than 12:00 Noon on the Monday prior to the City Commission meeting. The request must be approved by the City Manager. Presentations will be limited to ten (10) minutes.

SECTION ELEVEN. ORDINANCES AND RESOLUTIONS.

B. Resolutions:

2. Resolutions may include Approval of a Contract or Agreement, authorizing its execution; Appointments to Boards, City Commissions, and Committees; and such other matters which may be determined by the City Commission and/or the City Manager.

In addition, the Commission asked for staff to perform a spell check on the entire document.

The Commission discussed the public bringing signs to Commission meetings, electronic voting, the public forum timer with color indicators (green, yellow and red lights), and for staff to fix anything that is not working correctly.

C. Discussion re: Ordinance NO. 02-2015, Amending Chapter 14, “Animals”, by adding Article VII “Chickens” providing for a one year trial period for the issuance of a limited number of special permits which allow the keeping of chickens in limited numbers and under specific conditions.

The Commission discussed the one (1) year trial period, the success or failure of the criteria for the

trial period, the number of complaints that would make the trial period unsuccessful, complaints on unpermitted chickens, having the Acting City Manager draft an evaluation criteria to be worked into the ordinance by reference.

After discussion, the Commission concurred for the Acting City Manager to draft evaluation criteria to be worked into the ordinance by reference.

The Commission and staff discussed chicken ordinances in other cities, other trial ordinances in the City of Deltona, the residence being owner occupied, minimum lot size requirements, home owners' association rules, the other animals that will appear because of chickens, the cost to the city, the average lot size in Deltona, common lot sizes and zoning classifications.

After discussion, the Commission concurred to remove in Article VII, Sec. 14-280 (c) and (d).

The Commission discussed Article VII, Sec. 14-280 (e), (j), (k) and (n) to include and the current setbacks and releasing chickens from the coop.

After discussion, the Commission concurred in Article VII, Sec. 14-280 (k), to remove “..and be of sufficient size..”; Sec. 14-280 (n), to change “Chickens shall be kept within a coop or enclosure from dusk to dawn. Chickens can only be allowed to roam freely with direct supervision at other times. No person shall slaughter a chicken.

The Commission and staff discussed the different permits, zoning districts, timeframe to receive a chicken permit; Sec. 14-281 (4) which talks about violating the permit and revoking the special permit and the Commission directed the City attorney to look at that section.

The Commission discussed the amount of animals a resident is allowed to have, chicken care/training classes, and the ordinance possibly being in conflict with the fertilizer ordinance.

After discussion, the Commission concurred to recommend training to individuals seeking a chicken permit.

The Commission and staff discussed the code of ordinances that does not allow fencing on the backline on lakes and how that would affect the chicken ordinance and chickens becoming animals at large.

After discussion, the Commission concurred to move forward with an ordinance for approval by the Commission.

The Commission discussed the County of Volusia draft ordinance to have the legislature make a determination on who to give money to, asking the legislature to change language in the current requirements for when and where a person can target shoot, the Transportation Planning Organization (TPO) long range plan, the date for Volusia Days being changed to March 24th and 25th and recognizing Deltona High School's basketball team for winning the district tournament.

5. CITY MANAGER COMMENTS:

6. ADJOURNMENT:

There being no further business the meeting adjourned at 8:16 p.m.

Karissa Cook, Administrative Assistant